

Change of Zone No. 3242

ORDINANCE NO. _____

AN ORDINANCE amending Sections 27.07.020 and 27.07.080 of the Lincoln Municipal Code to allow private schools with a curriculum equivalent to public schools as a permitted use in the AG Agriculture District; and repealing Sections 27.07.020 and 27.07.080 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.07.020 of the Lincoln Municipal Code be amended to read as follows:

27.07.020 Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the AG agriculture district:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Confined feeding facilities for livestock or poultry, of a maximum area of 15,000 square feet;
- (c) Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
- (d) Dog-breeding establishments and kennels;
- (e) Stables and riding academies;
- (f) Public uses: including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school; and public utilities and utility distribution systems;
- (g) Single-family dwellings;
- (h) Churches.

Section 2. That Section 27.07.080 of the Lincoln Municipal Code be amended to read as follows:

27.07.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the AG Agriculture District shall be as follows:

- (a) General requirements:

Table 27.07.080(a)						
Lot Area	Avg. Lot	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height

Width							
All Permitted Uses	20 acres	550'	550'	50'	60'	100'	35'
* However, in no event need the sum of the distance from the centerline of the abutting street to the street line and the required front yard exceed a total of 80'. The required front yards of any such property exceeding the 80' sum may be reduced accordingly.							

Minimum Lot Area. In all interior sections of a township, the minimum area for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In all closing sections (any section of land bordering on the north or west line of a township) except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

(1) For those lots located within a Government Lot (a lot created by the original government survey and recorded in the surveyor's records of Lancaster County), the minimum required area shall be one-half of the total acreage contained in said Government Lot;

(2) For those lots which are not located within a Government Lot, the minimum required area shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be twenty acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon petitions to vary strict application of this requirement.

For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

(b) There shall be a required front yard on each street side of a double-frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Where a lot or tract of land on the effective date of this title has less width than required under subsection (a) of this section, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than fifteen feet.

(e) Where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.

(f) (1) If a lot has less area, width, or frontage or any combination thereof, than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:

(i) If the area of the lot is ten acres or more, such lot may be used for:

- a. Agriculture, except commercial feedlots;
- b. Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
- c. Dog-breeding establishment and kennel;
- d. Stables and riding academies;
- e. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;

- f. A single-family dwelling;
- g. Churches.

(ii) If the area of the lot is less than ten acres, such lot may be used for:

- a. Agriculture, except commercial feedlots;
- b. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;

- c. A single-family dwelling;
- d. Churches.

(iii) A lot which otherwise qualified under (i) above, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted in (i) above if the remaining area of such lot is nine or more acres.

(2) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership may be combined to meet these requirements.

If a lot has less width or depth than herein required, the required side and rear yard may be adjusted as provided in (d) and (e) above.

(g) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located: (1) in the required rear yard, but such accessory buildings shall not be nearer than two feet to the side or rear lot line; and (2) not nearer than a distance equal to ten percent of the average lot width from the side lot line. Such accessory buildings located in the required rear yard or required side yard shall not occupy more than thirty percent of the required rear yard.

(h) A lot or parcel of land of one acre or more may be used for a single-family dwelling, provided that a residential structure:

- (1) has existed on such land for more than five years;
- (2) such structure is, or has been, used as the primary residence associated with a farm; and
- (3) such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:

(i) General requirements:

Table 27.07.080(i)							
	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	1 acre	150'	120'	50*	15'	Lesser of 50' or 20% of depth	30'
* The sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.							

(ii) There shall be a required front yard on each street side of a double-frontage lot;

(iii) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(iv) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory building may not occupy more than thirty percent of the required

rear yard and shall not be nearer than two feet to the side or rear lot line. However, if the lot or parcel of land and structure does not meet the requirements of item (i) above, it shall be considered a non-standard use.

(4) Such structure is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.

(i) A lot or parcel of land of one acre or more may be used for public utility and distribution system purposes; provided, that such lot or parcel of land and any structures located thereon meet the maximum height and minimum lot requirements set forth in (h)(3) above; and provided, further, that such lot or parcel shall not be used, by itself, for any other purpose except agriculture.

Section 3. That Sections 27.07.020 and 27.07.080 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney
00-69

Staff Review Completed:

Administrative Assistant